

(1) (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION No. 3125 /2005

PETITIONER

: Rameshwar Prasad Kewarth,
S/o. Motichand Kewarth,
age about 32 years, R/o.
Village Kariatar, P.O.
Purgaon, Block - Bhilaigarh,
Distt. Raipur (C.G.)

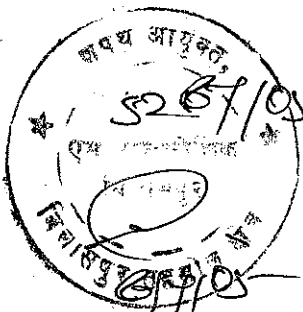
VERSUS

RESPONDENTS

1. State of Chhattisgarh,
through Secretary,
Department of Panchayat,
D.K.S. Bhawan, Raipur
(C.G.)
2. The Collector, Distt. Raipur.
3. Chief Executive Officer,
Janpad Panchayat,
Bhilaigarh, Distt. Raipur.
4. Gram Panchayat, through
Sarpanch, Village Kariatar,
Block Bhilaigarh, Distt.
Raipur (C.G.)
5. Dhaniram S/o. Lakhan Lal
Sahu, age about 25 years,
Panchayat Karmi of Gram
Rampur, Gram Panchayat
Kariatar Block Bhilaigarh,
Distt. Raipur (C.G.)

P.R. No. 3245/05
Presented by Shri P. K. Kewarth
dated 12/7/05

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WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA.

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>7.8.2006</u> Shri Sandeep Dubey, Advocate for the petitioner. Shri G. K. Beriwal, Dy. Advocate General for respondent No.1 & 2. None for other respondents. Heard. By this petition the petitioner has questioned the legality, propriety and correctness of the order dated 13.10.2001 (Annexure P-2) whereby the appointment of the petitioner on the post of Secretary, Gram Panchayat Kariatar has been withdrawn and directed that the petitioner will not be allowed to discharge the duties of Panchayat Karmi. At the outset, learned counsel for the petitioner submits that as far as the withdrawal of appointment of the petitioner from the post of Panchayat Secretary is concerned, he is not challenging the impugned order to that extent. The petitioner's main grievance is that without holding regular enquiry as envisaged under Rule 7 of the Panchayat Service (Discipline and Appeal), Rules, 1999 (for short "Rules, 1999") the petitioner cannot be removed or restrained from discharging his duties as Panchayat Karmi. He further submits that even the petitioner is not allowed to mark his presence and he has not been paid salary in pursuance of the order dated 13.10.2001, whereas, in Para-10 of reply respondent No.4 has submitted that the petitioner was never terminated from the post of Panchayat Karmi.	

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	It is admitted position that without holding enquiry, as envisaged under Rule 7 of the Rules, 1999 no Panchayat Karmi can be removed from the post of Panchayat Karmi, accordingly the impugned order dated 13.10.2001 (Annexure P-2) to the extent that the petitioner shall not be allowed to work as Panchayat Karmi is liable to be quashed and it is hereby quashed. The petition stands disposed of. Consequently, M.(W.)P. No.2639/05 & I.A. No.6166/05 also stand disposed of. Certified copy as per rules	Sd/- L.C.Bhadoo Judge

Roshan/-

P.T.O.

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